

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>6/28/2023</u>

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BELL SEMICONDUCTOR, LLC,

Plaintiff,

-v-

ASMEDIA TECHNOLOGY, INC.,

Defendant.
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22-cv-08166 (LJL)

MEMORANDUM &
ORDER

LEWIS J. LIMAN, United States District Judge:

The motion of Defendant ASMedia Technology Inc. to stay this action pending resolution of *Synopsys, Inc. & Cadence Design Sys., Inc. v. Bell Semiconductor, LLC*, pending in the United States District Court for the District of Delaware is granted. Dkt. No. 63. Substantially for the reasons stated by Defendant, the “customer-suit” exception to the “first-to-file” rule applies. *See, e.g. In re Nintendo of America, Inc.*, 756 F.3d 1363, 1365 (“When a patent owner files an infringement suit against a manufacturer’s customer and the manufacturer then files an action of noninfringement or patent invalidity, the suit by the manufacturer generally takes precedence”). This action is stayed without prejudice to a motion by either side to lift the stay based on changed circumstances in the District of Delaware including (but not limited to) a decision to permit an interlocutory appeal and a decision favorable to Plaintiff Bell Semiconductor, LLC in such interlocutory appeal.

The parties shall file a joint status report on August 25, 2023, and every 60 days thereafter. The pending motion to dismiss for lack of jurisdiction, Dkt. No. 50, is denied without prejudice to renewal.

The Clerk of Court is respectfully directed to close Dkt. No. 50 and to stay the action.

SO ORDERED.

Dated: June 28, 2023
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is positioned above a horizontal line.

LEWIS J. LIMAN
United States District Judge